**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION No. 786 of 1998**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**KISHORKUMAR GOVINDBHAI LAKKAD - Petitioner**
**Versus**
**STATE OF GUJARAT & 2 - Respondents**

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**Appearance :**
MR HJ NANAVATI for Petitioner:
MR HEMANT MAKWANA, LD. AGP for Respondents : 1 - 3.

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**CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

**Date : 01/10/2007**

**ORAL JUDGMENT**

1. The petitioner under Article 226 of the Constitution of India has challenged the order dated 17/1/1998 and 21/1/1998 terminating from

the services of the petitioner who was working as Adhoc Lecturer in Polytechnic and relieving him accordingly. The petitioner has mainly urged that the fact remains that he has not been selected and appointed by the prescribed mode of selection i.e. by way of selection through Gujarat Public Services Commission. However thereafter petitioner's services were required and he was appointed as Visiting Lecturer in itself would go to show that despite there was enough work load his services were terminated.

2. Shri. Nanavati, learned counsel for the petitioner has fairly submitted that after the decision of this Court in case of K.D. VOHRA V. KAMLESHBHAI GOBARBHAI PATEL, reported in 2003 (2) GLR pg. 1343, there is little scope in the petition. However he submits that the petitioner is in a very precarious condition and appropriate orders may be passed.

3. Shri. Makwana, learned AGP submits that in light of the Division Bench order petitioner's services can not be regularised.

4. This Court has heard learned counsels of the parties. In view of the ratio of this Court laid down in case of K.D. Vohra V. Kamleshbhai Gobarbhai Patel (supra) no interference is called for and the petition deserves to be dismissed. However it deserves to be noted that

the dismissal of this petition shall in any way not to be construed by the respondents in engaging the petitioner as Visiting Faculty in accordance with law.

5. With these observations, this petition is dismissed. Rule discharged. Interim relief, if any granted earlier, shall stand vacated. No cost.

[ S.R. BRAHMBHATT, J ]

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